

The Commonwealth of Massachusetts

JOURNAL OF THE HOUSE.



THURSDAY, MAY 7, 2009.

[42]

JOURNAL OF THE HOUSE.

Thursday, May 7, 2009.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Kafka of Stoughton in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Kafka), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of allegiance.

Message from the Governor.

A message from His Excellency the Governor recommending legislation relative to reducing firearms violence (House, No. 4102), was filed in the office of the Clerk on Wednesday, May 6.

Firearms
violence, —reduce.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on the Judiciary. Sent to the Senate for concurrence.

Communications.

Communications

From the town of Chelmsford (under Chapter 141 of the Acts of 1998) submitting plans for improvements, alterations and renovations of the Tully Forum Ice Skating Rink, was placed on file (a copy was forwarded to the committee on State Administration [and Regulatory Oversight], as required by said law);

Chelmsford, —
Tully forum.

From the Dukes County Registry of Deeds (pursuant to Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Technological Fund;

Dukes County
Registry of Deeds.

From the Human Resources Division of the Executive Office for Administration and Finance (under the provisions of Section 25 of Chapter 31 of the General Laws) submitting a list of certain public safety promotional lists which have been revoked as of March 1, 2009.

Civil service lists.

From the Massachusetts Bay Transportation Authority (under the provisions of subsection 11 of Section 151 of Chapter 157 of the Acts of 1999) relative to the efforts of said authority to maximize non-transportation revenue;

MBTA, —revenue.

From the Norfolk County Registry of Deeds (pursuant to Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Technological Fund;

Norfolk County
Registry of Deeds.

From the Plymouth County Registry of Deeds (pursuant to Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Technological Fund;

Plymouth County
Registry of Deeds.

From the Executive Office of Transportation (pursuant to Sections 12 and 13 of Chapter 86 of the Acts of 2008) transmitting quarterly reports containing periodic and substantial completion estimates submitted pursuant to section 39G of Chapter 30 of the General Laws and listing certain dates in relation to projects under the control of said office and the Department of Highways.

Executive Office of
Transportation.

Annual and Special Reports.

Annual reports

Of the Executive Office of Health and Human Services (under the provisions Section 304 of Chapter 149 of the Acts of 2004) relative to employers with fifty or more employees using public health assistance during the fiscal year 2008;

Executive Office of
Health and Human
Services.

Of the Department of Telecommunications and Cable (under the provisions of Chapter 25C of the General Laws) submitting its annual report for the year 2008;

Telecommunications
and Cable.

Of the Massachusetts Bay Transportation Authority (under the provisions of Subsection 5(h) of Section 151 of Chapter 127 of the Acts of 1999) submitting its annual report for the year 2008; and

MBTA.

Of the State Lottery Charitable Gaming Commission (under the provisions of Section 38 of Chapter 10 of the General Laws) submitting its annual report for the year 2008; and

State Lottery
Charitable Gaming
Commission.

A report of the Committee for Public Council Services (under the provisions of item 0321-1500 of Chapter 61 of 2007) submitting its report for the year 2008; and

Committee for
Public Council
Service.

A monthly report of the Division of Unemployment Assistance (under the provisions of Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Trust Fund for February, 2009.

Unemployment
Trust Fund.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Ms. Peisch of Wellesley) honoring H. Kenneth Fish and Imogene O. Fish on their departure from the town of Weston;

H. Kenneth and
Imogene O. Fish.

Resolutions (filed by Mr. Pignatelli of Lenox) celebrating the twenty-fifth anniversary of the Kampoosa Bog;

Kampoosa
Bog.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and D'Amico of Seekonk) congratulating Cameron James Parker on receiving the "Eagle Scout Award" of the Boy Scouts of America;

Cameron
James Parker.

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and D'Amico of Seekonk) congratulating Brandon Michael Rose on receiving the "Eagle Scout Award" of the Boy Scouts

Brandon
Michael Rose.

of America;

Resolutions (filed by Representatives Poirier of North Attleborough, Barrows of Mansfield and D'Amico of Seekonk) congratulating David Christopher Sullivan, Jr. on receiving the "Eagle Scout Award" of the Boy Scouts of America;

David
Christopher
Sullivan, Jr.

Resolutions (filed by Mrs. Richardson of Framingham) honoring National Public Gardens Day at Garden in the Woods of Framingham, May 8, 2009;

National Public
Gardens Day.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Andrew Jackson Ryan of Plainville upon his elevation to the rank of Eagle Scout;

Andrew
Jackson Ryan.

Resolutions (filed by Mr. Ross of Wrentham) congratulating Matthew John Weir of Plainville upon his elevation to the rank of Eagle Scout;

Matthew
John Weir.

Resolutions (filed by Mr. Speliotis of Danvers) honoring the Danvers High School Falcon Marching Band on their sweet three-peat; and

Danvers
Marching Band

Resolutions (filed by Mr. Speliotis of Danvers) honoring the achievements of Gary J. DiSano, President of the 2010 Tournament of Roses;

Gary J. DiSano.

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the Rules, in each instance, on motion of Ms. Wolf of Cambridge, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petition.

Mr. Straus of Mattapoissett presented a petition (subject to Joint Rule 12) of William M. Straus for legislation to increase allowances payable to members of the General Court for expenses, travel, meals and lodging; and the same was referred, under Rule 24, to the committee on Rules.

General Court
members,—
expenses.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, the reported recommending that Joint Rule 12 be suspended. Under suspension of the rules, on motion of Mr. Spellane of Worcester, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service. Sent to the Senate for concurrence.

Reports of Committees.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill to further prevent oil spills in Buzzards Bay (House, No. 3855) ought to pass with an amendment substituting therefore a Bill with the same title (House, No. 4103). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling with the amendment pending.

Buzzards Bay.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill authorizing the Department of Fish and Game to acquire conservation restrictions in and to lands owned by the city of Fitchburg (House, No. 3848). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Fitchburg,—
conservation
restrictions.

By Mr. Straus of Mattapoisett, for the committee on Environment, Natural Resources and Agriculture, on a petition, a Bill designating a certain structure in the town of Salisbury as the Paul H. Sullivan Sun Shade Deck (House, No. 714).

Salisbury,—
Paul Sullivan
Deck.

By the same member, for the same committee, on a petition, a Bill relative to the naming of the Joseph O'Loughlin Pond (House, No. 717).

Joseph
O'Loughlin.

By Mr. Donato of Medford, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Norton to transfer certain park land (House, No. 3697) [Local Approval Received].

Norton,—
park land.

By the same member, for the same committee, on a petition, a Bill relative to the town of Norton Water and Sewer Commission (House, No. 3698) [Local Approval Received].

Norton,—
sewer commission

By the same member, for the same committee, on a petition, a Bill authorizing the conveyance of certain parcels of land in the city of Revere (House, No. 4045) [Local Approval Received].

Revere,—
land.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill allowing firemen and policemen in the town of Arlington to be hired regardless of age (House, No. 2433) [Local Approval Received].

Arlington,—police
and fire.

By the same member, for the same committee, on a petition, a Bill establishing a sick leave bank for Michael F. Doiron (House, No. 4071).

Michael F.
Doiron.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Papers from the Senate.

A petition (accompanied by bill, Senate, No. 2033) of Stephen M. Brewer (by vote of the town) for legislation to pay down the debt for school projects in the town of Rutland, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Rutland, — school
projects.

A petition (accompanied by bill) of Michael W. Morrissey for legislation to establish a sick leave bank for Nancy Morrison, an employee of the Department of Correction, came from the Senate referred, under suspension of Joint Rules 12, the committee on Public Service.

Nancy Morrison,
— sick leave bank.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2048) was

referred, in concurrence, to the committees on Public Service.

Bills

Authorizing the town of Sandwich to exchange certain parcels of land (Senate, No. 21, amended in section 1, in lines 1, 2 and 3, by striking out the sentence contained therein and inserting in place thereof the following sentence: "For the purposes of remediating the encroachment of a large retaining wall on town land, the board of selectmen of the town of Sandwich may convey a certain parcel of land in the town of Sandwich, upon such terms and conditions as it deems to be in the best interests of the town, to Richard Cunningham and Sarah DeWalt."; and, in section 2, after line 12, by inserting the following paragraph:

Sandwich, — land transfer.

"As a condition of the conveyance authorized in section 1, Richard Cunningham and Sarah DeWalt shall transfer to the town a parcel of land identified as Parcel 'B' on the plan described in section 1 and such parcel shall be dedicated to Article XCVII purposes and under the jurisdiction of the conservation commission. The fair market value of the parcel to be conveyed to the town shall be equal to or greater than the fair market value of the property described in section 1, as determined by an independent appraisal. For the purposes of the appraisal, the fair market value of the property shall be calculated in its highest and best use and, where applicable, as assembled with other lands owned or otherwise controlled by Richard Cunningham and Sarah DeWalt. If there is a disparity in these values in favor of Richard Cunningham and Sarah DeWalt, they shall pay a sum equal to the difference to the town for deposit in its open space fund or otherwise dedicated to open space preservation.") (on a petition) [Local Approval Received];

Authorizing the town of Bellingham to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 152) (on a petition) [Local Approval Received];

Bellingham, — liquor license.

To make a technical correction in a certain law relative to oral health (Senate, No. 536) (on a petition);

Oral health.

Amending the charter of the town of Sandwich (Senate, No. 782) [Local Approval Received]; and

Sandwich, — town charter.

Establishing a sick leave bank for Sheila Ferreira, an employee of the Trial Court (Senate, No. 2046) (on Senate bill No. 1744);

Sheila Ferreira, — sick leave bank.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Order.

The Speaker having taken the Chair, — on motion of Mr. Spellane of Worcester,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next sitting.

At seventeen minutes after eleven A.M., on motion of Mr. Peterson of Grafton (the Speaker being in the Chair), the House adjourned, to meet the following Monday at eleven o'clock A.M., in an Informal Session.